

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
[MIAMI DIVISION]

UNITED STATES OF AMERICA,

CASE NO. 22-20552-CR-Damian/Valle

Plaintiff,

v.

DAVID RIVERA,

Defendants.

//

**DAVID RIVERA'S MOTION FOR PERMISSION TO TRAVEL TO VENEZUELA FOR
EMPLOYMENT PURPOSES AND FOR RELEASE
OF HIS PASSPORT AS REQUIRED FOR THAT PURPOSE**

Defendant, David Rivera ("Rivera"), through counsel¹, respectfully moves this Honorable Court for permission to travel to Venezuela for the purpose of employment and for the release of his passport as required for that purpose and states:

1. The Special Conditions of Rivera's Bond require him to seek employment (See DE 30, Special Condition "g"), which has been extremely difficult since Rivera's indictment.
2. Pursuant to his conditions of pretrial release, Mr. Rivera's travel is restricted to the Northern District of Georgia, the Middle and Southern Districts of Florida and the Southern District of New York. The geographic restrictions on travel can be modified if, "the supervising officer has approved travel in advance." ([DE-24] at p 6, par. q). However, his travel is further restricted to court appearances and meetings with counsel ([DE-24] at p 6, par. r).

¹ The filing of this motion is not intended as a permanent appearance by the undersigned counsel who have heretofore appeared only temporarily as counsel for Rivera. *See* Dkt. 37 and Local Rule 11.1(d)(1).

3. Rivera would like to travel from Atlanta, Georgia to Caracas, Venezuela for purposes of employment.

4. While in Venezuela, Rivera will reside at the Cayena Hotel, José Angel lamas y El Bosque, Av. Principal de La Castellana, Caracas 1060, Distrito Capital, Venezuela.

5. The following is Rivera's detailed factual background, personal history and historical activities in support of his request to travel to Venezuela:

1. On July 28th, 2024, a presidential election will be held in Venezuela.

2. In anticipation of this election, this past October, 2023, the Biden administration partially lifted economic sanctions on Venezuela in recognition of an agreement, known as the Barbados Agreement, between the Maduro dictatorship and the Venezuelan democratic opposition regarding the upcoming presidential election.

3. By profession, Defendant Rivera has engaged in political consulting and has served extensively over many years in employment capacities as a political consultant in both the United States and abroad. Rivera is Hispanic and is fluent in Spanish.

4. Just as Rivera did during the 2012, 2013 and 2018 Venezuelan presidential election cycles, he has been informally (on an unpaid basis) advising and assisting several leading anti-Maduro opposition candidates for the 2024 presidential election in efforts related to their campaign activities here in the United States. This activity has not been publicly reported. The candidates and coming election have nothing whatsoever to do with this case.

5. The qualifying period for all candidates to appear on the July 28 presidential ballot has now passed.

6. Shortly after being admitted to bond, Rivera explained and provided his Pretrial Services Officer with a copy of a SunBiz Report regarding his business and political consulting business, Interamerican Consulting, Incorporated ("IAC"). Among the Venezuelan presidential candidates that have qualified to run, there is a leading anti-Maduro democratic opposition candidate that is interested in retaining Rivera's campaign consulting services. This paid work is consistent with Rivera's bond conditions.

7. Due to the proprietary nature of the client information, and given that any assistance from U.S. individuals, particularly one with a 40-year history of activism against socialist dictatorships in Cuba and Venezuela such as Rivera's, could be used by pro-government efforts to discredit their candidacy, the candidate's identity and solicitation of Rivera's consulting services will be presented to the Court and prosecutors on an in camera

basis on order of the Court.² At the appropriate time, Rivera will include a motion for a protective order prohibiting prosecutors and their agents from disclosing Rivera's proposed work for the specific candidate to third parties without court permission.

8. Now that the July 28th, 2024 presidential election date is nearing, and, in accordance with Venezuelan election law, formal campaigning begins July 4th, this prominent democratic opposition candidate is entering the critical final stages of the campaign with several important campaign events on the horizon. The campaign wants Rivera to be there on the ground in Venezuela in order to both immerse himself in every facet of the campaign as well as provide unfiltered, unobstructed and immediate first-hand campaign observations and advice. This work cannot be accomplished other than by Rivera being physically present in Venezuela periodically during the remainder of the campaign calendar.

9. Given the close proximity of Election Day, this is a critical time-period for executing a successful campaign and there are important campaign events and meetings that involve significant messaging and strategic advice which will impact the trajectory of the campaign going forward.

10. It is imperative that Rivera be able to travel to Venezuela for this consulting opportunity both for its bond-required pursuit of employment for Rivera, as well as for the opportunity it provides for Rivera to continue contributing to the promotion and restoration of democracy in Venezuela, as he has been doing for nearly two decades.

11. Rivera proposes to travel to Caracas Venezuela leading up to the July 28th presidential election and to return no later than July 29th, 2024 or sooner as may be required to personally attend court hearings. Rivera will re-surrender his passport immediately upon his return. Rivera will similarly coordinate any future travel requirements to Venezuela with Pre-trial Services and the assistant U.S. attorney pending any future travel requirements as part of his engagement opportunity with the presidential candidate.

12. In support of this motion, Rivera asks the Court to consider, as detailed in the following paragraphs, his personal and professional history vis-à-vis the cause of freedom and democracy in Venezuela and other socialist dictatorships.

13. For 40 years, Rivera has been involved in activities, as both a U.S. government official and private citizen, designed to undermine and displace the dictatorships in Cuba and Venezuela. This has been publicly reported.

14. In 1984, 1985 and 1986, Rivera led efforts at Florida International University to organize a Victims of Communism Day to highlight atrocities committed in the name of communism since the 1917 Bolshevik revolution. This has been publicly reported.

² Counsel for Rivera are in possession of a formal request from the candidate's campaign for Rivera to travel to Caracas for the purposes set out in this motion.

15. In 1985 and 1986, Rivera organized efforts at Florida International University with Adolfo Calero, the civilian leader of the anti-communist Nicaraguan Contras, to raise funds for the Contra effort against the Sandinista communist dictatorship. This has been publicly reported.

16. In 1989, Rivera worked with Cuban exile leader Jorge Mas Canosa, whose life was dedicated to the overthrow of Cuba's communist dictatorship, and for the Cuban American National Foundation in Washington, DC, whose sole aim was the overthrow of the Castro dictatorship. This work has been publicly reported.

17. In 1989 and 1990, Rivera worked with the U.S. Ambassador to the United Nations Human Rights Commission, when for the first time Cuba was condemned for human rights abuses. This has been publicly reported.

18. In 1992, Rivera briefed President Bill Clinton on the importance of broadcasting TV Marti, the official U.S.-government democracy-promoting television broadcast service to Cuba, 24 hours a day via multiple transmission platforms. This has not been publicly reported.

19. In 1993, Rivera published an opinion-editorial criticizing advocates of normalizing relations with Cuba's communist dictatorship and comparing their efforts to those who defended the Spanish dictatorship in Cuba a century earlier. This has been publicly reported.

20. From 1991 until 1999, Rivera worked for the United States Information Agency within the U.S. State Department office overseeing radio and television broadcasts to Cuba aimed at promoting freedom and democracy in Cuba with the downfall of the Castro dictatorship. This has been publicly reported.

21. In 1994, Rivera was dispatched by the White House National Security Council to Guantanamo Naval Base during the Cuba rafter crisis, after which he helped develop a strategy for incorporating pro-democracy messaging from Cuban asylees into anti-Castro U.S. broadcasts. This has been publicly reported.

22. In 1996, after the Cuban government shot down two civilian Brothers to the Rescue planes, killing four Americans, Rivera, in his capacity as South Florida Director of Senator Bob Dole's presidential campaign, advised Senator Dole on his private and public response to the murders, and led a public campaign to pressure President Clinton to sign the Helms-Burton Cuba sanctions law against the Castro dictatorship. This has been publicly reported.

23. In 2000, Rivera participated in briefing President George W. Bush on the importance of fully implementing the Cuban Liberty and Democratic Solidarity Act (Helms-Burton), including Title III of said Act, allowing U.S. persons and corporations to sue collaborators of Cuba's communist dictatorship. This has not been publicly reported.

24. From 2002-2010, Rivera served in the Florida House of Representatives and sponsored legislation aimed at destabilizing the Castro dictatorship, including prohibiting taxpayer funded academic travel to the terrorist nation, sanctioning travel providers to Cuba which defraud consumers, and denying welfare benefits to U.S. residents who travel to the terrorist nation. This has been publicly reported.

25. From 2002-2010, Rivera received periodic death threats related to his work in the Florida House of Representatives aimed at destabilizing the Castro dictatorship. This has not been publicly reported.

26. From 2002-2012, Rivera represented the largest Venezuelan-American exile community in the United States, all of whom were victims of the Chavez and Maduro dictatorships. This has been publicly reported.

27. From 2003-2010, Rivera was repeatedly criticized by Cuban state media for his efforts to isolate and debilitate the Castro dictatorship. This has been publicly reported.

28. In 2003, Rivera initiated protests against efforts by Florida public universities to sponsor taxpayer-subsidized travel to terrorist countries such as communist Cuba. This has been publicly reported.

29. In 2003, Rivera led efforts to have the Manatee County, Florida, County Commission and Port Authority reverse its decision to advocate on behalf of lifting sanctions against Cuba's communist dictatorship. This has been publicly reported.

30. In 2003, Rivera helped organize and participated in a large-scale march in Miami to denounce efforts to normalize relations between the United States and Cuba's communist dictatorship. This has been publicly reported.

31. In 2003, Rivera led a group of Republican legislators in publicly threatening to withhold support for Republican President George W. Bush's 2004 re-election campaign due to the lack of policy initiatives against the Castro dictatorship. This has been publicly reported.

32. In 2003, Rivera worked with a group of Republican local government elected officials who similarly threatened publicly to withhold support for Republican President George W. Bush's 2004 re-election campaign due to the lack of policy initiatives against the Castro dictatorship. This has been publicly reported.

33. In 2004, Rivera and then-State Representative Marco Rubio met with White House officials to strategize on the implementation of stronger sanctions and democratic initiatives aimed at Cuba's communist dictatorship. This has not been publicly reported.

34. In 2004, Rivera met with U.S. State Department official Dan Fisk, the Deputy Assistant Secretary of State for Western Hemisphere Affairs, and later the Special Assistant to the President and Senior Director for Western Hemisphere Affairs at the White House National Security Council, to strategize on the implementation of stronger sanctions and democratic initiatives aimed at Cuba's communist dictatorship. This has not been publicly reported.

35. In 2003 and 2004, all of these aforementioned Cuba-related efforts by Rivera from during this same time-frame contributed to the Bush administration implementing stronger sanctions against the Castro regime, initiating enhanced democracy promotion programs, creating the Commission for the Assistance to a Free Cuba, and indicting Cuban officials involved in the 1996 Brothers to the Rescue shoot-down which killed four Americans. This has been publicly reported.

36. In 2004, Rivera helped organize and participated in a large-scale march in Miami to protest both the Cuban and Venezuelan dictatorships. This has been publicly reported.

37. In 2005, Rivera coordinated with the U.S. State Department to have then-State Representative and Speaker-designate Marco Rubio's designation speech and ceremony to become the first Cuban-American Speaker of the Florida House of Representatives broadcast live to communist Cuba via Radio and TV Marti, the official U.S. government broadcast services to Cuba. This has been publicly reported.

38. In 2006, Rivera led efforts to prevent pro-Cuba propaganda from being introduced into Miami-Dade County school system. This has been publicly reported.

39. In 2006, Rivera sponsored and passed a resolution in the Florida House of Representatives condemning Cuba's communist dictatorship for anti-democratic repression and human rights abuses and declaring April 25 Free Cuba Day in the State of Florida. This has been publicly reported.

40. In 2008, the U.S. State Department recruited Rivera to travel to Venezuela on a public diplomacy mission aimed at undermining the Chavez dictatorship. Rivera participated in several media interviews and public forums critical of the Chavez dictatorship. This has been publicly reported.

41. Throughout 2003 until 2010, Rivera appeared constantly on U.S. and international media to denounce both the Castro regime in Cuba and the Chavez regime in Venezuela regarding human rights violations, as well as provide commentary on the importance of promoting freedom and democracy in both countries.

42. From 2006-2010, as both Rules Chairman and Appropriations Chairman of the Florida House of Representatives, Rivera championed funding for several anti-Castro Cuban exile organizations, including the Brigade 2506 Bay of Pigs Veterans Museum. This has been publicly reported.

43. In 2010, Rivera established funding for the Florida International University Democracy Conference, which was dedicated to the promotion of democratic values and democratic governance in Latin America. This has been publicly reported.

44. In 2010, Rivera launched his candidacy for the United States Congress by dedicating his campaign to the memory of Orlando Zapata Tamayo, a leading Cuban human rights activist who had recently been murdered by the Castro regime while in custody. This has been publicly reported.

45. In 2010 and 2011, Rivera participated in public rallies and fund-raising efforts for the legal defense fund of anti-communist activist Luis Posada Carriles, a former CIA operative who was wanted by the Castro dictatorship and the Maduro dictatorship for his anti-communist activities in Cuba and Venezuela. This has been publicly reported.

46. In 2011, soon after being sworn-in to Congress, during a one-on-one meeting with President Obama, Rivera, accompanied by revered anti-Castro former Cuban political prisoner Cary Roque, challenged President Obama on his recent decision to lift sanctions on the Castro dictatorship. This has been publicly reported.

47. In 2011, Rivera directly challenged U.S. Assistant Secretary of State Arturo Valenzuela in criticizing the Obama administration's unilateral lifting of sanctions on the Castro dictatorship and its handling of a U.S. hostage held in Cuba. This has been publicly reported.

48. In 2011, Rivera was the only member of the Florida congressional delegation to co-sponsor House Resolution 247, Calling for the Bolivarian Republic of Venezuela to be designated a state sponsor of terrorism for its support of Iran, Hezbollah, and the Revolutionary Armed Forces of Colombia (FARC). This has been publicly reported.

49. In 2011, during Chinese dictator Hu Jintao's visit to the United States, Rivera denounced the Chinese Communist Party and the Venezuelan dictatorship for the dangers posed by their increasingly destabilizing and threatening cooperation for democracies in the Western Hemisphere. This has been publicly reported.

50. In 2011, Rivera worked with the U.S.-based Venezuelan opposition group, Independent Venezuelan-American Citizens organization (IVAC) in support of a program to bring Venezuelan student leaders to the United States for education and training regarding human rights, democracy-building and democratic governance. This has been publicly reported.

51. In 2011, Rivera called on Secretary of State Hillary Clinton to investigate U.S. intelligence reports of efforts by Iran to engage in nuclear cooperation with Argentina, using Venezuela as its interlocutor. This has been publicly reported.

52. In 2011, Rivera sponsored and passed an amendment to the Foreign Relations Authorization Act for Fiscal Year 2012 that eliminated President Obama's efforts to lift travel restrictions on terrorist-designated nation Cuba. This has been publicly reported.

53. In 2011, Rivera voted to pass legislation that eliminated U.S. funding in the federal budget for the Organization of American States for its record of support to the Venezuelan dictatorship. This has been publicly reported.

54. In 2011, Rivera voted to pass legislation to cut all U.S. foreign aid funding to Venezuela from the federal budget. This has been publicly reported.

55. In 2011, Rivera met with prominent Venezuelan opposition leaders to discuss threats to democracy and human rights violations in Venezuela, as well as discuss strategies for defeating Hugo Chavez in the 2012 presidential election. This has been publicly reported.

56. In 2011, Rivera met with the Venezuelan Coalition of Democratic Unity, which consisted of Venezuelan political parties that came together in 2008 in opposition of Venezuelan dictator Hugo Chavez, regarding the opposition group's strategies and efforts in Venezuela to ensure a free and open electoral process to defeat Chavez during the 2012 presidential election. This has been publicly reported.

57. In 2011, Rivera, after Cuba was placed, for the 28th year in a row, on the U.S. State Department list of state sponsors of terrorism, called on the Obama administration to cease unilateral concessions to the communist nation, both for its terrorist activity and its ties with Iran, another State Sponsor of Terrorism, as well as its a deep-seeded relationship with Venezuelan dictator Hugo Chavez, both of which constituted threats to the United States. This has been publicly reported.

58. In 2011, Rivera was honored by the National Council of Cuban Journalists in Exile for his staunch activism in support of freedom of expression and freedom of the press for independent journalists in communist Cuba. This has been publicly reported.

59. In 2011, Rivera worked to liberate Reina Luisa Zapata, mother of slain Cuban human rights activist Orlando Zapata, from detention in Cuba and welcomed her arrival in the United States to continue her son's activism denouncing human rights abuses in communist Cuba. This has been publicly reported.

60. In 2011, Rivera sponsored legislation in the U.S. House of Representatives to prohibit U.S. residents who had adjusted their immigration status under the Cuban Adjustment Act of 1966 from travelling to Cuba and maintaining their U.S. resident status. This has been publicly reported.

61. In 2011, Rivera met with Ivan Ballesteros, a leading anti-Chavez journalist and radio host in Venezuela, along with opposition leaders from the U.S.-based Venezuelan Persecuted Political Activists in Exile (VEPPEX), to discuss strategies in support of pro-democracy and pro-human rights efforts in Venezuela against the Chavez regime. VEPPEX also presented Rivera with a recognition award for his support for the cause of freedom and democracy in Venezuelan. This has been publicly reported.

62. In 2011, Rivera called for the expulsion of the Venezuelan Consul General in the Miami consulate to be expelled for working with Iran and Cuba to organize cyber-attacks against the United States. The Consul General was later expelled by the Obama administration in 2012. This has been publicly reported.

63. In 2011, Rivera helped organize and participated in a large-scale march on the 15th anniversary of the Brothers to the Rescue shootdown, and denounced Cuba's communist dictatorship for human rights abuses and murder. This has been publicly reported.

64. In 2011, Rivera spoke on the floor of the U.S. House of Representatives warning the Obama Administration of the dangers posed by increased cooperation between U.S.-designated state sponsor of terrorism Iran and the Maduro regime in Venezuela. This has been publicly reported.

65. In 2011 and 2012, Rivera was directly attacked by the official government media of the Cuba's communist dictatorship, Prensa Latina, for his efforts to prohibit abuses in travel regulations associated with the Cuban Adjustment Act. This has been publicly reported.

66. In 2011 and 2012, Rivera directly challenged then-Secretary of State Hillary Clinton face-to-face to provide evidence of President Obama's refusal to implement fully the Helms-Burton bill resulting in expediting a transition to freedom and democracy in Cuba. This has been publicly reported.

67. In 2011 and 2012, Rivera was repeatedly criticized on Cuban state media for his efforts in Congress to isolate and debilitate both the Cuban and Venezuelan regimes. This has been publicly reported.

68. In 2011 and 2012, Rivera advocated for executive action that would allow U.S.-government pro-democracy broadcasts to emanate from the U.S. Naval Base at Guantanamo Bay in order to circumvent signal interference from the Cuban dictatorship. This has been publicly reported.

69. In 2012, Rivera led the effort to award a Congressional Medal of Merit to Cuban-exile leaders who have demonstrated a commitment to promoting freedom and democracy in Cuba. This has been publicly reported.

70. In 2012, Rivera denounced the Western Hemisphere visit of Iranian President Mahmoud Ahmadinejad due to Iran's placement on the U.S. State Department list of terrorist sponsors, as well as the terrorist Iran state's established ties with the Castro dictatorship in Cuba and the Chavez dictatorship in Venezuela. This has been publicly reported.

71. In 2012, Rivera participated in a march with anti-Chavez Venezuelan-Americans in Doral to demand that Venezuela's National Electoral Commission (CNE) create a voting location in South Florida for over 20,000 eligible Venezuelan voters to vote in the 2012 presidential elections in Venezuela. This has been publicly reported.

72. In 2012, Rivera was an official observer at the opposition-led Venezuelan United Democratic Roundtable (MUD) primary to choose a candidate to oppose Hugo Chavez in 2012 presidential election. The selection of opposition leader Henrique Capriles Radoski marked the first time that democratic opposition groups came together to elect one candidate to run against Chavez. This has been publicly reported.

73. In 2012, Rivera hosted a ceremony in the United States Congress to recognize Venezuelan-Americans who have demonstrated a commitment to liberating Venezuela from the Chavez dictatorship. This has been publicly reported.

74. In 2012, Rivera was publicly attacked by the Castro dictatorship's Foreign Ministry official in charge of U.S. policy, Josefina Vidal, for Rivera's policy initiatives in Congress aimed at preventing U.S. Defense Department contracting with businesses engaged in terrorist-designated nations such as Cuba. This has been publicly reported.

75. In 2012, Rivera publicly confronted then-Assistant Secretary of State Roberta Jacobson regarding the U.S. response to allegations of drug trafficking involving then-Venezuelan president Hugo Chavez and then-Minister of Defense Henry de Jesus Rangel Silva. This has been publicly reported.

76. In 2012, Rivera participated in a march organized by leading anti-Castro exile organization Unidad Cubana (Cuban Unity) which was organized to denounce both the Cuban dictatorship's crackdown on human rights activists and the Obama administration's weak response to these human rights violations. This has been publicly reported.

77. In 2012, Rivera threatened to file suit against the State of Florida for Florida's failure to implement sanctions against the Castro dictatorship as required by Florida statutes which Rivera helped pass into law. This has not been publicly reported.

78. In 2012, Rivera denounced President Obama's public statement that Hugo Chavez's Venezuela did not pose a serious national security threat to the United States. Rivera pointed out that under Chavez, Venezuela established strong ties with other dictators around the world, including Fidel Castro in Cuba, Mahmoud Ahmadinejad in Iran and Bashar al-Assad in Syria—all designated as State Sponsors of Terrorism by the U.S.

State Department, and that Venezuela has pursued cyber warfare with affiliates of the Iranian, Cuban and Venezuelan regimes, as well as provided direct military assistance to terrorist groups like the FARC and safe haven for narco-terrorists. This has been publicly reported.

79. In 2012, Rivera was publicly attacked by then-Venezuelan Foreign Minister Nicolas Maduro for supporting Venezuelan exile organizations who were opposed to the Chavez regime in Venezuela. This has been publicly reported.

80. In 2012, Rivera was honored by leading anti-Castro organization Unidad Cubana (Cuban Unity) during the October 10th Call of Yara commemoration along with international anti-communist dignitaries.

81. During the 112th Congress, Rivera passed legislation in the U.S. House of Representatives prohibiting the U.S. Department of Defense from contracting with any private companies that did business with Cuba's communist dictatorship. This has been publicly reported.

82. During the 112th Congress, Rivera was contacted by the U.S. Secret Service regarding credible death threats related to his work against Cuba's communist dictatorship and offered Secret Service protection, which he declined. This has not been publicly reported.

83. In 2012 and 2013, Rivera raised funds for the Venezuelan democratic opposition coalition, Mesa de Unidad Democrática (MUD), in their efforts to facilitate participation from Venezuelan voters living in exile who wished to travel to New Orleans to vote during the 2012 anti-Chavez and 2013 anti-Maduro presidential campaigns. This has been publicly reported.

84. Throughout 2011, 2012, and 2013, Rivera appeared constantly on both U.S.-based media and Venezuela-based media to denounce the Chavez and Maduro regimes and provide commentary regarding the importance of restoring human rights, civil liberties, electoral legitimacy and democracy in Venezuela.

85. In 2013, Rivera organized protests against the City of Key West's efforts to have representatives of the Cuban dictatorship attend events at the San Carlos Institute, a historical and cultural icon of the Cuban-American exile community. This has been publicly reported.

86. From 2013-2017, Rivera secured funding for and participated in organizing annual Young Leaders Democracy Conferences hosted by Florida International University, whereby emerging political leaders from throughout Latin America, and specifically Venezuela, discussed strategies for strengthening democratic values and democratic governance in their home countries. This has been publicly reported.

87. In 2015, Rivera helped organize and participated in several rallies to demonstrate support for the democratic opposition-led Mesa de Unidad Democrática (MUD) in its efforts to win control of the Venezuelan National Assembly in December 2015. This has been publicly reported.

88. In 2015, Rivera participated in a media exposé which highlighted his decade-long efforts to prevent U.S. taxpayer social service resources from being exploited by the Castro dictatorship via U.S. money transfers which terminated in the communist government's treasury. This has been publicly reported.

89. In 2016, Rivera secured funding and helped organize the first-ever Florida International University (FIU) civil society conference for young leaders in the anti-Castro Cuban dissident movement, whereby pro-democracy activists from inside Cuba were brought to FIU to develop strategies on promoting human rights, civil liberties and a democratic transition within Cuba's communist totalitarian system. This has been publicly reported.

90. In 2016, Rivera was the only non-incumbent Republican state house candidate in Miami-Dade County who publicly endorsed Donald Trump, the creator of the U.S. "maximum pressure" campaign against the Maduro regime in Venezuela. This has been publicly reported.

91. In September and October 2016, Rivera raised funds and mobilized resources to help Colombian-Americans organize voter turn-out efforts in South Florida against the Colombian referendum to ratify the peace agreement between the Colombian government and the communist FARC narco-terrorist guerrilla group, which was closely aligned with the Maduro dictatorship in Venezuela. The referendum failed 50.2% to 49.8%, with Colombian-Americans overwhelmingly voting against the agreement and providing critical votes for its defeat. This has been publicly reported.

92. The conspiracy charges in Counts I and III of the Superseding Indictment in this case charge alleged events occurring between "on or about February 2017 and on or about December, 2018". [Dkt. 122] During that time-frame, Rivera's efforts against the Venezuelan government, many of which have not been previously reported, continued and arguably even intensified. During the time-frame of the alleged conspiracy, extensive facts directly contradict and put the lie to the government's allegations that Rivera was acting as an unregistered agent of the Venezuelan government. However, because Rivera will never be required to detail these facts for the government prior to trial, except to the extent that Rule 16 Fed. R. Crim. P. requires that he timely produce pre-trial documents he intends to introduce into evidence at trial, the facts will not be previewed for prosecutors herein.³ They will, however, be presented to the Court on an *in camera* and *ex parte* basis on order

³ At present, Rivera estimates that there are over (30) provable factual examples during the indictment period that directly contradict the government's allegations. However, the development of these facts, as well as other facts directly contradicting the government's allegations, will likely expand as trial preparation proceeds.

of the Court. Rivera contends that the detailed facts which *are* included herein, more than amply provide factual support for the consulting work in which he is seeking court permission to engage.

93. In 2018 and 2019, Rivera worked with White House Counselor to the President Kellyanne Conway and U.S. Senator Marco Rubio to increase pressure on the Castro dictatorship by having a staunch anti-communist, former Miami Mayor, Tomas Regalado, appointed by President Trump to head Radio and TV Marti, the official U.S.-government broadcast service to Cuba, which is charged with the mission to promote freedom and democracy in Cuba. This has not been publicly reported.

94. In 2019, Rivera worked with the office of U.S. Senator Marco Rubio to increase pressure on the Maduro regime by enacting new and tougher U.S. sanctions against Venezuelan individuals and officials who were important enablers and collaborators of the regime. This has not been publicly reported.

95. In 2019 and 2020, Rivera met with the opposition-led and U.S.-recognized Interim Government of Venezuela's ambassador in the United States, Ambassador Carlos Vecchio, to provide financial support to the Interim Government's activities in the United States. This has not been publicly reported.

96. In 2020, Rivera collaborated with an effort involving the former U.S. Director of National Intelligence (DNI) to liberate several American hostages being unjustly detained in Venezuela. This has been publicly reported.

97. In 2021 and 2022, Rivera held discussions with leaders of the Venezuelan democratic opposition regarding the prospects of maintaining unity, co-existence and continuity among the elements of Venezuela's U.S.-recognized Interim Government. This has not been publicly reported.

98. In 2022, Rivera met in Bogota, Colombia, with the forcefully-exiled former Foreign Minister of the U.S.-recognized opposition-led Interim Government of Venezuela and discussed efforts to reunify the democratic opposition in its strategy against the Venezuelan dictatorship. This has not been publicly reported.

99. In 2022, 2023 and 2024, Rivera has been working with, and will continue to work with, anti-Maduro opposition figures in the United States and Venezuela in efforts to defeat Maduro in the 2024 presidential election. These efforts have not been publicly reported.

100. In 2023 and 2024, Rivera has been assisting anti-Maduro opposition presidential candidates in their efforts to build strong candidacies and campaign operations to defeat Venezuelan dictator Nicolas Maduro in the 2024 presidential election. This has not been publicly reported.

101. In January 2024, Rivera sponsored and passed a resolution within the Republican Party of Miami-Dade County for the Republican Party to formally endorse Donald Trump, creator of the U.S. “maximum pressure” campaign against the Maduro regime in Venezuela, as the Republican nominee for president. This has been publicly reported.

102. As mentioned earlier, Rivera’s request is simply to be allowed to engage in the same activity, all of which has been publicly reported, in which he was involved during the 2012, 2013 and 2018 presidential election cycles in Venezuela: assisting the anti-government Venezuelan opposition defeat the regime candidate Nicolas Maduro.

103. Just as with the 2013 and 2018 elections, the latter of which was ultimately boycotted by the Venezuelan opposition due to its fraudulent nature, the Maduro regime has already engaged in significant anti-democratic maneuvers as the 2024 election approaches; including barring certain opposition candidates from running.

104. Notwithstanding these anti-democratic maneuvers by the Maduro regime, the entire spectrum of the anti-Maduro democratic opposition has reiterated its commitment to participate in the July 28 election and seek a peaceful electoral end to the Maduro dictatorship.

105. The Biden administration has repeatedly expressed concerns regarding these anti-democratic actions by the Venezuelan government and has taken steps to reimpose economic sanctions against the Maduro regime.

106. On April 17th, three senior Biden administration officials stated that, despite U.S. concerns related to the upcoming election, U.S. policy remains committed to supporting the Venezuelan opposition in its efforts to achieve a democratic transition through electoral means in the July 28th presidential election.

107. Rivera’s request is therefore in adherence with both Biden administration policy objectives in Venezuela vis-à-vis the July 28th presidential election, as well as his pre-trial bond conditions.

108. The internationally-recognized anti-democratic record of the Maduro regime toward elections in Venezuela highlights the importance of efforts like Rivera’s meant to support the democratic opposition in its goal to restore freedom and democracy to Venezuela after a 26-year absence.

109. In this instant matter, Rivera is seeking to continue his 40-year public record of activism in support of freedom and democracy-promotion by assisting a leading anti-government opposition candidate’s campaign in its effort to defeat Nicolas Maduro in the upcoming July 28th, 2024, presidential election.

110. Rivera is also an elected official in Miami-Dade County, will be seeking re-election in this year's election, and was recently elected as a Delegate to the Republican National Convention being held from July 15th to 18th in Milwaukee, Wisconsin, which he enthusiastically and fully plans to attend in order to proudly nominate presidential candidate Donald Trump, who as President was the author of the U.S. "maximum pressure" policy against the Maduro regime in Venezuela.

6. 18 U.S.C. § 3142(c)(1)(B), Release on Conditions, states that the judicial officer "shall order the pretrial release of the person subject to the *least restrictive* (emphasis added) further condition, or combination of conditions, that such judicial officer determines will reasonably assure the appearance of the person as required." Restricting Rivera from performing his life's work where there is no articulable factual basis to do so would be violative of this principle.

7. Nothing related to this request jeopardizes Rivera's required court appearances. Rivera has demonstrated that this request is merely a continuation of over 40 years of behavior and actions against socialist dictatorships like Venezuela, which will in no way interfere with his full intention to clear his name by disproving the government's false allegations at trial.

CERTIFICATE OF CONFERENCE

Pursuant to Local Rule 88.9(a), undersigned counsel certifies that he has conferred with AUSA Harold Schimkat who does oppose the relief sought in this motion.

WHEREFORE, Rivera moves the Court for an order permitting him to travel to Venezuela, including the release of his passport, for the purposes of employment. Upon notice to Pretrial Services to include details of the timing of his travel and return as well as the re-surrender of his passport upon his return.

Respectfully submitted,

JONES WALKER LLP
201 S. Biscayne Blvd., Suite 3000
Miami, FL 33131
Telephone: (305) 679-5700
Facsimile: (305) 679-5710
By: /s/ Edward R. Shohat
Edward R. Shohat
Florida Bar No. 152634
eshohat@joneswalker.com
for Defendant Rivera

CERTIFICATE OF SERVICE

I HEREBY CERTIFY on this 26th day of June, 2024, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify the foregoing document is being served this day on all counsel of record either via transmission of Notices of Electronic Filing generated by CM/ECF or in another authorized manner for those counsel or parties not authorized to receive electronically Notices of Electronic Filing.

/s/ Edward R. Shohat
Edward R. Shohat